UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,347	12/08/2000	Christophe Declerck	11345-018001	7622

22511 7590 04/07/2005

OSHA & MAY L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

EXAMINER	
LAMBRECHT, CHRISTOPHER M	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/719,347	DECLERCK, CHRISTOPHE	
	Examiner	Art Unit	
	Christopher M Lambrecht	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims **1-40** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-14 and 16-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,420,866 to Wasilewski (hereinafter "Wasilewski") in view of U.S. Patent No. 6,105,134 to Pinder et al. (hereinafter "Pinder") and further in view of U.S. Patent No. 5,619,501 to Tamer et al. (hereinafter "Tamer").

Regarding **claims 1, 10, 11, 25-27, 35, and 36**, Wasilewski discloses a decoder **[110]** (fig. **6**) and corresponding method for processing a transport packet stream comprising packetised data encapsulated within the packet payloads (MPEG transport stream, col. **13**, ll. **35-37**), said decoder comprising:

means **[116]** (demux/parse, fig. **6**) for receiving an identifier (CA_System_ID, col. **12**, ll. **12-18**) of a particular security module system from a security module **[118]** (memory, fig. **6**; contains conditional access system identifier, col. **13**, ll. **44-45**);

means **[116]** for configuring the decoder **[110]** in response to the received identifier (col. **14**, ll. **50-56**);

first means **[116]** for filtering said packetised data to extract data associated with the particular security module system (col. **14**, ll. **50-61**).

Wasilewski fails to disclose said security module providing said identifier is a portable security module; means for receiving filter data for filtering packetised data associated with said particular security module system from the security module; and second means for filtering said extracted data in response to said received filter data.

In an analogous art, Pinder discloses a portable security module providing an identifier of a particular security module system (conditional access authority ID "CAAID" col. **25**, ll. **3-7, 57-61**, where DHCTSE 627 comprises a smart card, col. **21**, ll. **43-46**), for the purpose of enabling the user to personalize said decoder (DHCT) by installing said portable security module (col. **21**, ll. **43-46**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the security module of Wasilewski such that it be made portable, as taught by Pinder, for the purpose of enabling the user to personalize said decoder by installing said portable security module.

Wasilewski and Pinder fail to disclose means for receiving filter data for filtering packetised data associated with said particular security module system from the security module; and second means for filtering said extracted data in response to said received filter data.

In an analogous art, Tamer discloses means [**30**] (match filter, fig. **3**) for receiving filter data (subscriber specific conditional access code) for filtering packetised data associated with said particular security module system (ECM, EMM) from the security module (smart card, col. **5**, ll. **18-30**); and second means [**30**] for filtering said extracted data in response to said received filter data (col. **5**, ll. **19-25**), for the purpose of controlling entitlement privileges of a specific receiver (col. **5**, ll. **25-26**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the decoder of Wasilewski and Pinder to include means for receiving filter data for filtering packetised data associated with said particular security module system from the security module;

and second means for filtering said extracted data in response to said received filter data, as taught by Tamer, for the purpose of controlling entitlement privileges of a specific receiver.

As for **claim 2**, Wasilewski, Pinder, and Tamer together disclose a decoder according to claim 1. Additionally, Wasilewski discloses the filtering means **[116]** is configurable by said configuring means **[116]** to extract from the packetised data data associated with said particular security module system (EMMs, col. **14**, ll. **45-61**) for subsequent filtering (col. **14**, l. 62 – col. **15**, l. **6**) in response to said received identifier (stored in memory **118**).

As for **claim 3**, Wasilewski, Pinder, and Tamer together disclose a decoder according to claim 1. In addition, Wasilewski discloses said identifier (CA_System_ID) comprises an identifier of a particular conditional access system (col. **13**, ll. **45-49**).

As for **claims 4 and 28**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 3 and 27. In addition, Wasilewski discloses the filtering means **[116]** is adapted to extract from the packetised data transport packets containing a program map table (col. **13**, ll. **50-53**) and a conditional access table (col. **14**, ll. **45-50**).

As for **claims 5 and 29**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 4 and 28. In addition, Wasilewski discloses the configuring means **[116]** is adapted to receive the program map table and conditional access table from the filtering means **[116]** and configure the filtering means in response to the received identifier (CA_System_ID, col. **14**, ll. **50-56**) and data contained in the program map table (col. **13**, ll. **53-60**) and the conditional access table (col. **13**, ll. **56-61**).

As for **claims 6 and 30**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 1 and 25. However, they fail to disclose said identifier (CA_System_ID) comprises an identifier of a particular debiting system used by the security module.

Official notice is taken of the fact that it is well known in the art for conditional access systems to employ a debiting system, for the purpose of enabling users to purchase television programs against a positive account balance maintained by the user.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the conditional access system of Wasilewski, Pinder, and Tamer to include a debiting system, for the purpose of enabling users to purchase television programs against a positive account balance maintained by the user.

As for **claims 7 and 31**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 1 and 25. However, they fail to disclose said identifier comprises an identifier of a particular crediting system used by the security module.

Official notice is taken of the fact that it is well known in the art for conditional access systems to employ a crediting system, for the purpose of enabling a service provider to issue credits to a user enabling said user to purchase television programs.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the conditional access system of Wasilewski, Pinder, and Tamer to include a crediting system, for the purpose of enabling a service provider to issue credits to a user enabling said user to purchase television programs.

As for **claims 8 and 32**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 1 and 25. In addition, Wasilewski discloses the filtering means **[116]** is configurable in response to filter data (PID) comprising a table identifier (i.e., PID for PMT or CAT, col. **13**, ll. **50-59**, col. **14**, ll. **45-50**).

As for **claim 9**, Wasilewski, Pinder, and Tamer together disclose the claimed limitations (see rejection of claim 1).

As for **claim 12**, Wasilewski, Pinder, and Tamer together disclose a decoder according to claim 9. In addition, Tamer discloses said second filtering means **[30]** comprises a plurality of filters **[265, 251]** (start code register bank **265** and CA code bank **251**, fig. **4**), at least one of said filters being configurable in response to said filter data (stored in register **250**, col. **6**, ll. **11-16**).

As for **claims 13 and 33**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 9 and 25. In addition, Tamer discloses said second filtering means **[30]** is configurable in response to a data pattern included in said filter data (col. **6**, ll. **11-16**).

As for **claims 14 and 34**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 13 and 33. In addition, Tamer discloses said second filtering means **[30]** is configurable to filter from the extracted data data having a pattern matching said data pattern included in the filter data (col. **6**, ll. **11-16**, **25-33**).

As for **claim 16**, Wasilewski, Pinder, and Tamer together disclose a decoder according to claim 13. In addition, Tamer discloses said second filtering means [**30**] is configurable to ignore at least part of said data pattern in response to a data masking pattern included in said filter data (col. **6**, ll. **58-65**).

As for **claims 17 and 37**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method in accordance with claims 1 and 25. In addition, Tamer discloses means for forwarding to the security module [**31**] conditional access data included in said packetised data (col. **5**, ll. **20-26**).

As for **claims 18 and 38**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 17 and 37. In addition, Tamer discloses the conditional access data forwarded to the security module [**31**] comprises ECMs and/or EMMs (col. **5**, ll. **14-26**).

As for **claims 19 and 39**, Wasilewski, Pinder, and Tamer together disclose a decoder and corresponding method according to claims 1 and 25. In addition, Tamer discloses the filter data provided by the security module [**31**] comprises data used by the filtering means to extract group and/or individual EMMs addressed to the security module (col. **5**, ll. **14-26**, col. **6**, ll. **58-65**).

As for **claims 20 and 40**, Wasilewski, Pinder, and Tamer together disclose a decoder according to claims 17 and 37. In addition, Tamer discloses the decoder is adapted to receive a control word generated by the security module in response to the conditional access data forwarded thereto, the control word being used by the decoder to descramble a scrambled transmission (col. **45**, ll. **45-50**).

As for **claim 21**, Wasilewski, Pinder, and Tamer together disclose a decoder according to claim 1. However, they fail to disclose the decoder is adapted to encrypt and/or decrypt communications to and from the portable security module.

Official notice is taken of the fact that it is well known in the art for a decoder to encrypt and/or decrypt communications to and from a portable security module, for the purpose of preventing unauthorized access to information contained within the portable security module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the decoder of Wasilewski, Pinder, and Tamer to encrypt and/or decrypt communications to and from the portable security module, for the purpose of preventing unauthorized access to information contained within the portable security module.

As for **claim 22**, Wasilewski, Pinder, and Tamer together disclose a portable security module for use with a decoder as claimed in claim 1, said security module comprising memory means for storing an identifier of a particular system of the security module and means for communicating the identifier to configure the decoder (see rejection of claim 1).

As for **claim 23**, Wasilewski, Pinder, and Tamer together disclose a portable security module according to claim 22, comprising means for storing filter data and means for communicating the filter data to filter means in the decoder (see rejection of claim 1).

As for **claim 24**, Wasilewski, Pinder, and Tamer together disclose a portable security module according to claim 23 comprising a smart card (see rejection of claim 1).

4. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski in view of Pinder in view of Tamer and further in view of EBU Project Group (of record).

With regard to **claim 15**, Wasilewski, Pinder, and Tamer together discloses a decoder according to claim 13. However, they fail to explicitly disclose the filtering means is configurable to not filter the data matching said data pattern.

In an analogous art, EBU Project Group discloses configuring a decoder to not descramble any service regardless of authorizations stored in the smart card or other security device (pg. 75, col. 1, ¶1, i.e., disabling any filtering functions involved in the descrambling of services using authorizations associated with the security device & pg. 74, col. 2, section 6). Disabling descrambling functionality at customers' premises increases cable operators control over the network and consequently improves security.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wasilewski, Pinder, and Tamer to include the filtering means is configurable to not filter data matching said data pattern, as taught by EBU Project Group, for the purpose of improving security in a conditional access system.

Conclusion

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML

CHRIS GRANT
PRIMARY EXAMINER